

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

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JOHN R. WALSH, III,

Plaintiff,

v.

DANIEL CARDONICK, et al.,

Defendants.

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Civil Action No. 3:16-CV-844

(Judge Kosik)

**ORDER**

AND NOW, THIS 9<sup>th</sup> DAY OF SEPTEMBER, 2016, IT APPEARING TO THE COURT THAT:

[1] Plaintiff, John R. Walsh, III, filed this civil complaint, *pro se*, on May 12, 2016 (Doc. 1);

[2] Defendants, in turn, filed a motion to dismiss the complaint (Doc. 4);

[3] On August 16, 2016, the Magistrate Judge issued a Report and Recommendation (Doc. 9), recommending that the Defendants motion to dismiss (Doc. 4) be granted and the complaint (Doc. 1) be dismissed for failure to state a claim upon which relief can be granted;

[4] The Report and Recommendation (Doc. 9), also recommended that a show cause order be issued Placing Plaintiff on notice that the Court is considering limiting his frivolous and meritless filings, by requiring him to obtain prior approval of the Court before lodging any new complaints;

[5] Plaintiff has failed to file objections to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[6] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

[7] We have considered the Magistrate Judge's Report, and we concur with his recommendation that Plaintiff's complaint be dismissed for failure to state a claim. We decline to adopt the Magistrate Judge's recommendation to issue an order to show cause;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson, dated August 16, 2016 (Doc. 9) is **ADOPTED IN PART**, and **DENIED IN PART**;

[2] Defendant's Motion to Dismiss (Doc. 4) is **GRANTED**;

[3] Plaintiff's Complaint (Doc. 1) is **DISMISSED**; and,

[4] The Clerk of Court is directed to **CLOSE** this case and **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik  
Edwin M. Kosik  
United States District Judge